

## **REMARKS**

Claims 1–50 are pending in the present application and were rejected by the Examiner in the Office Action mailed on August 8, 2006. Of these claims, claims 1, 13, 24, and 36 are independent and have been amended by this amendment.

It is noted that the “means” language has been replaced throughout the claims with the term device, to negate any inference or conclusion that the applicants intend for such claims to be limited in determining equivalents under 35 U.S.C. § 112, sixth paragraph.

The title of this application has been replaced with a short and more succinct title.

A number of claim dependency references have been corrected to skip certain unnecessary intervening dependencies and thereby reduce the depth of dependencies.

New dependent claims 51–54 are presented for entry and consideration. These claims are added to clarify that the first surveillance device and the second surveillance device need not be of the same type.

Reconsideration of the rejections is respectfully requested in view of the foregoing amendments and the following comments.

### ***Claim Objections***

Claims 11 and 12 were objected to because they are duplicates of each other. Claim 12 has been cancelled.

Claim 17 was objected to because it depended on claim 18. The preamble of this claim has been amended to make claim 17 dependent on claim 16.

### ***Claim Rejections – 35 U.S.C. § 103***

#### ***Rejection under McKeown***

Claims 1–10, 13–17, 24–33 and 36–40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,987,451 to McKeown et al. (“*McKeown*”). Applicants respectfully traverse this rejection for the reasons discussed below. Claims 1, 13, 24, and 36 of this group are independent claims. The Examiner cited various portions of the *McKeown* patent in rejecting the claims. In view of the amendments to the claims, it is submitted, and will be

shown, that the claims distinguish over the reference. Accordingly, the amendments made herein are for clarity in understanding the claimed subject matter. Applicants, therefore, respectfully traverse this rejection and request reconsideration of this rejection in light of the amendments presented herein.

The present invention is directed to a system and method for classifying individuals or objects or sets of individuals or objects within a zone of a specified area with multiple surveillance means (now identified in the claims as “devices” so as to negate any inference that the claims should be limited in equivalents to those specifically shown and described). Specifically, sets of objects are received from surveillance devices and then filtered to ensure that the characteristics of the objects in the sets are comparable. *See* application, page 6, paragraph 21 and page 8, paragraph 27. The characteristics of the sets of objects are compared, and the characteristics of the objects within the sets of objects are compared. *See* application, page 8, paragraph 27 and page 11, paragraph 36. The characteristics of the objects and the sets of objects are based upon a set of predetermined characteristics. *See* application, page 6, paragraph 22. According to one aspect of the present invention, it is determined whether the sets of objects correspond to one another. *See* application, page 9, paragraphs 28–29. According to another aspect of the present invention, it is determined whether the objects within the sets of objects correspond. *See id.*

The *McKeown* reference generally is directed to a surveillance system that tracks the movement and location of objects. Specifically, the *McKeown* patent describes a system for monitoring an area with a surveillance system and determining whether a detected object is authorized to be in the area by correlating the location and the time the object was at that location. *See* *McKeown*, column 1, lines 37–40. The system determines whether each system is referring to the same object by comparing the time and relative position of the target. *See* *McKeown*, column 2, lines 33–36. It is apparent from a close reading of *McKeown* that the surveillance system tracks objects based on time and location, not the predetermined characteristics of sets and objects within sets as described in the present application. Furthermore, there is nothing in *McKeown* that discloses, teaches, or suggests receiving sets of objects and comparing the sets of objects, not merely the objects within the sets of objects.

The foregoing aspects of a surveillance system – missing from the *McKeown* patent but present in the claimed aspects of this application – are believed to be novel and should be patentable. For example, claims 1, 13, 24, and 36 recite receiving sets of objects, filtering the sets of objects to ensure that the characteristics of the objects in the sets are comparable, and then comparing characteristics of the sets of objects as well as the objects within the sets of objects. One distinguishable aspect of the present invention is that the characteristics of the objects and sets of objects are based upon a set of predetermined characteristics. Such predetermined characteristics of the present invention are not limited to merely the time and location as in *McKeown*. The characteristics can include information in an identification profile, classification data, object type, name, identity, size, weight, color and various other descriptive information useful in comparing and contrasting unidentified object to determined whether they are similar to an identified profiled object. *See* application, page 6, paragraph 22.

With all due respect, Applicants disagree with the Examiner's assertion that *McKeown* inherently includes the filtering process of the present invention. (Office Action, page 3.) *McKeown* clearly does not disclose, teach, or suggest a filtering process to ensure that the characteristics of the objects in the sets are comparable to one another. Furthermore, Applicants disagree that it would have been obvious to one of ordinary skill in the art that *McKeown* would receive and compare the data as a set of objects if there are multiple objects being provided. (Office Action, page 3.) Applicants do not dispute that *McKeown* discloses a surveillance system that “identifies a multiple of objects.” *See* *McKeown*, column 2, lines 9–14. However, the system of *McKeown* “identifies a multiple of objects, independently, within the designated area.” *See* *McKeown*, column 2, lines 11–13 (emphasis supplied).

Indeed, *McKeown* teaches away from receiving and comparing the data as a set of objects. As just mentioned, the multiple objects identified by the system of *McKeown* are identified independently, not in sets. This clearly teaches an approach to the individual and independent identification of objects, not identifying a set of objects and then a particular perhaps “unfriendly” object out of a set of objects, which is one of the recited advantages and functions provided by a system constructed in accordance with aspects of the present invention. (*See* Application, paragraph 29.)

Accordingly, it is respectfully submitted that the claims are novel and non-obvious over the *McKeown* patent, as the *McKeown* patent completely fails to provide any disclosure, teaching, or suggestion of a system and method for classifying individuals or objects or sets of individuals or objects within a zone of a specified area with multiple surveillance devices of claims 1, 13, 24, and 36.

**Rejection under *McKeown* in view of *Samarasekera***

Claims 11–12 and 34–35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *McKeown* in view of U.S. Patent Application Publication No. 2005/10024206 to *Samarasekera* et al. (“*Samarasekera*”). Applicants respectfully traverse this rejection for the reasons discussed above. Applicants also traverse this rejection for the following reasons.

The Examiner indicated that the teachings of *McKeown* suggest the base claim limitations, without explicitly teaching location data acquired from the first and second surveillance means in conjunction with video feed data to construct a 3D map. *Samarasekera* was cited as teaching “a security monitoring system is using a live model, e.g. a 2D or 3D model, which [is] constantly being updated from different directions using multiple video streams, wherein the 3D model is constructed of the monitored site or area and used as glue for combining the video feed data.” (Office Action, page 8.) The Examiner asserted that “it would have been obvious to one of ordinary skill in the art to combine the tracking and surveillance system with mapping display taught by *McKeown* with the 2D or 3D image display for security system taught by *Samarasekera* because it would provide a better understand tactical situation more quickly for security forces and they are better able to focus on threat and take the necessary action to prevent an attack or reduce its consequences. Further, there might be situations where a 2D or adaptive 3D can be applied as well depending on the application, for example, the 2D model can be a plan layout of a zone while 3D is shown overlaid on the 3D model when the viewer views the scene from a viewing angle or pose.” (Office action, page 8.)

All of the claims rejected on these grounds are dependent claims. In view of the remarks above regarding the respective independent claims, it is submitted that these dependent claims are not obvious.

As has been shown above, the *McKeown* patent does not teach, disclose, or suggest the base claim limitations relating to sets of objects from multiple surveillance devices. The *Samarasekera* patent is directed to a scalable architecture for providing real-time multi-camera distributed video processing and visualization. However, it does not disclose, teach, or suggest the system and method for classifying objects or sets of objects with multiple surveillance devices as now recited in the claims. Specifically, neither *McKeown* nor *Samarasekera* separately or collectively disclose, teach or suggest receiving sets of objects, filtering the sets of objects to ensure that the characteristics of the objects in the sets are comparable, and then comparing characteristics of the sets of objects as well as the objects within the sets of objects. Furthermore, the predetermined characteristics of the present invention are not limited to merely the time and location of the objects. *See* application, page 6, paragraph 22.

Under the doctrine of *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), if an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. Accordingly, claims 11–12 and 34–35 should be allowable on this basis, as well.

#### **Rejection under *McKeown* in view of *Tanaka***

Claims 18–21 and 41–44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *McKeown* in view of U.S. Patent Application Publication No. 2003/10197612 to *Tanaka* et al. (“*Tanaka*”). Applicants respectfully traverse this rejection for the reasons discussed above. Applicants also traverse this rejection for the following reasons.

The Examiner indicated that the teachings of *McKeown* suggest the base claim limitations, without explicitly teaching the step of comparing the number of objects received by the first surveillance means to the number of objects received by the second surveillance means in order to determine if the number of received objects are equal or not equal. *Tanaka* was cited as teaching “a system for classification of an individual or object within a zone with WID and video device compris[ing] the step of comparing the number of objects received by the first surveillance means to the number of objects received by the second surveillance means in order to determine if the number of received objects are equal or not equal.” (Office Action, page 9.) The Examiner asserted that “it would have been obvious to one of ordinary skill in the art to combine the position allocation of objects for surveillance zone taught by *McKeown* with the

number of objects as a detection signal for intrusion taught by *Tanaka* because the combination of both methods provide a better and accurate detection algorithm as enforcement. Further, *McKeown* stated various changes may be made and equivalents may be substituted without changing the scope of invention wherein both position allocation of objects or comparison of number of objects would be an alternative method for intrusion system.” (Office Action, pages 9–10.)

All of the claims rejected on these grounds are dependent claims. In view of the remarks above regarding the respective independent claims, it is submitted that these dependent claims are not obvious.

As has been shown above, the *McKeown* patent does not teach, disclose, or suggest the base claim limitations as discussed in detail above. The *Tanaka* patent is directed to a monitoring method for monitoring a person’s movements. However, it does not disclose, teach, or suggest the system and method for classifying objects or sets of objects within a zone of a specified area with multiple surveillance devices as now recited in the claims, as amended. Specifically, neither *McKeown* nor *Tanaka* disclose, teach or suggest receiving sets of objects, filtering the sets of objects to ensure that the characteristics of the objects in the sets are comparable, and then comparing characteristics of the sets of objects as well as the objects within the sets of objects. Furthermore, the predetermined characteristics of the present invention are not limited to merely the time and location of the objects and sets of objects. *See* application, page 6, paragraph 22.

Moreover, under the doctrine of *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), if an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. Claims 18–21 and 41–44 should be allowable on this basis, as well.

#### **Rejection under *McKeown* in view of *Tanaka* and *Samarasekera***

Claims 22–23 and 45–50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *McKeown* in view of *Tanaka*, in further view of *Samarasekera*. Applicants respectfully traverse this rejection for the reasons discussed above. Applicants also traverse this rejection for the following reasons.

The Examiner indicated that the teachings of *McKeown* suggest the base claim limitations, without explicitly teaching location data acquired from the first and second surveillance in conjunction with video feed data to construct a 3D map. *Samarasekera* was cited as teaching “a security monitoring system is using a live model, e.g. a 2D or 3D model, which [is] constantly being updated from different directions using multiple video streams, wherein the 3D model is constructed of the monitored site or area and used as glue for combining the video feed data.” (Office Action, page 11.) The Examiner asserted that “it would have been obvious to one of ordinary skill in the art to combine the tracking and surveillance system with mapping display taught by *McKeown* with the 2D or 3D image display for security system taught by *Samarasekera* because it would provide a better understanding tactical situation more quickly for security forces and they are better able to focus on threat and take the necessary action to prevent an attack or reduce its consequences. Further, there might be situations where a 2D or adaptive 3D can be applied as well depending on the application, for example, the 2D model can be a plan layout of a zone while 3D is shown overlaid on the 3D model when the viewer views the scene from a viewing angle or pose.” (Office Action, pages 11–12.)

All of the claims rejected on these grounds are dependent claims. In view of the remarks above regarding the respective independent claims, it is submitted that these dependent claims are not obvious.

As has been shown above, the *McKeown* patent does not teach, disclose, or suggest the base claim limitations as discussed in detail above. The *Tanaka* patent is directed to a monitoring method for monitoring a person’s movements, and the *Samarasekera* patent is directed to a scalable architecture for providing real-time multi-camera distributed video processing and visualization. However, no reference discloses, teaches, or suggests a system and method for classifying objects or sets of objects within a zone of a specified area with multiple surveillance devices as now recited in the claims, as amended. Specifically, neither *McKeown*, *Tanaka*, nor *Samarasekera* individually or collectively disclose, teach or suggest receiving sets of objects, filtering the sets of objects to ensure that the characteristics of the objects in the sets are comparable, and then comparing characteristics of the sets of objects as well as the objects within the sets of objects. Furthermore, the predetermined characteristics of the present

invention are not limited to merely the time and location of the objects and sets of objects. *See* application, page 6, paragraph 22.

The Applicants take further exception to the examiner's "Official Notice" that both the concept and advantages of providing videos over a 2D or 3D image are well-known and expected in the art, with reference to "paragraph 31." It is not known what "paragraph 31" is referring to—the patent application paragraph 31 does not relate to this concept, nor does claim 31. The claims at issue (claims 22–23 and 45–50) recite additional elements that when combined with their respective independent and intervening claims, make for novel and nonobvious combinations. It is inappropriate for the Examiner to take Official Notice on subject matter of this complexity, and so the Notice is traversed.

Moreover, under the doctrine of *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), if an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. Claims 22–23 and 45–50, therefore, should be allowable on this basis, as well.

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**CONCLUSION**

For the foregoing reasons, it is submitted that all claims are believed novel, nonobvious, fully supported, and should be allowable. The foregoing is submitted as a full and complete response to the Office Action mailed August 8, 2006, and is believed to place all remaining claims in the application in condition for allowance. Accordingly, it is respectfully submitted that this application be allowed and that a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the applicant's attorney would be advantageous to the disposition of this case then the Examiner is encouraged to telephone the undersigned at 404-504-7720.

Respectfully submitted,

  
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